

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK*ORIGINAL*

COLD STONE CREAMERY, INC., :  
An Arizona Corporation, and :  
COLD STONE CREAMERY LEASING :  
COMPANY, INC., :  
An Arizona Corporation, :

Plaintiffs,

v.

BLUE ICE CREAMERY, INC., :  
A New York Corporation, :  
STARRY NIGHTS, INC, :  
A New York Corporation, :  
THE STONE AT LYNBROOK, INC, :  
A New York Corporation, :  
SPARKY'S DELIGHTS, INC, :  
A New York Corporation, :  
THE STONE AT MELVILLE, INC, :  
A New York Corporation, :  
MARC MANDELBAUM, :  
A Resident of the State of New York, :  
ROY MANDELBAUM, :  
A Resident of the State of New York, :  
ERIC LEVINE, :  
A Resident of the State of New York, :  
KAREN LEVINE, :  
A Resident of the State of New York, and :  
AMY GREENBERG, :  
A Resident of the State of New York, :

Defendants.

x  
C.A. No. 07-CIV-6705 (wcc)*ECF CASE**PARTIAL  
NOTICE OF DISMISSAL**AND ORDER*

Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiffs Cold Stone Creamery, Inc., and Cold Stone Creamery Leasing Company, Inc., hereby give notice of the dismissal, with prejudice, of all claims against Defendants Blue Ice Creamery, Inc.; Starry Nights, Inc.; The Stone at Lynbrook, Inc.;

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The Stone at Melville, Inc.; Marc Mandelbaum; Roy Mandelbaum; Eric Levine; and Karen Levine.

Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiffs Cold Stone Creamery, Inc., and Cold Stone Creamery Leasing Company, Inc., also give notice of the dismissal, without prejudice, of all claims against Defendant Sparky Delights, Inc.

Respectfully submitted,

Stephen J. Vaughan

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*Attorneys for Plaintiffs*  
Cold Stone Creamery, Inc. and Cold Stone  
Creamery Leasing, Inc.

SO ORDERED.

Dated: White Plains, NY  
April 25, 2008

William C. Conner  
WILLIAM C. CONNER, Senior U.S.D.J.